

# **EXHIBIT “10”**

FORM CD-64  
(REVISED)  
Prescribed By  
D.A.O. 201-17

U. S. DEPARTMENT OF COMMERCE

Asheville, N.C.

I CERTIFY that the attached are authentic and true copies of meteorological records on file in the NATIONAL CLIMATIC DATA CENTER, ASHEVILLE, NORTH CAROLINA.



NANCY A. RITCHEY  
RECORDS CUSTODIAN  
DATA ADMINISTRATOR  
(Official Title)

.....

I HEREBY CERTIFY that NANCY A. RITCHEY, RECORDS CUSTODIAN, who signed the foregoing certificate, is now, and was at the time of signing, DATA ADMINISTRATOR, NATIONAL CLIMATIC DATA CENTER, and that full faith and credit should be given his certificate as such. I further state that I am the person to whom the said custodian reports.

IN WITNESS WHEREOF, I have hereunto  
subscribed my name and caused the  
seal of the Department of Commerce  
to be affixed  
on this date: JUL 07 2014

For the SECRETARY OF COMMERCE:



THOMAS R. KARL  
DIRECTOR  
NATIONAL CLIMATIC DATA CENTER  
(Certifying Officer)

# QUALITY CONTROLLED LOCAL CLIMATOLOGICAL DATA

(final)

## HOURLY OBSERVATIONS TABLE LA GUARDIA AIRPORT (14732) NEW YORK, NY (11/2009)

National Climatic Data Center  
Federal Building  
151 Patton Avenue  
Asheville, North Carolina 28801

U.S. Department of Commerce  
National Oceanic & Atmospheric Administration

Elevation: 11 ft. above sea level  
Latitude: 40.779  
Longitude: -73.880  
Data Version: VER3

Date	Time (LST)	Station Type	Sky Conditions	Visibility (SM)	Weather Type	Dry Bulb Temp (F)	Dry Bulb Temp (C)	Wet Bulb Temp (F)	Wet Bulb Temp (C)	Dew Point Temp (F)	Dew Point Temp (C)	Rel Humd %	Wind Speed (MPH)	Wind Dir	Wind Gusts (MPH)	Station Pressure (in. hg)	Press Tend	Net 3-hr Chg (mb)	Sea Level Pressure (in. hg)	Report Type	Precip. Total (in)	Alti-meter (in. hg)
23	0051	11	OVC028	10.00	6	47	8.3	43	6.0	38	3.3	71	9	090		30.38	1	009	30.41	AA		30.41
23	0151	11	SCT020 OVC026	10.00		45	7.2	42	5.4	38	3.3	77	11	030		30.39			30.42	AA		30.42
23	0251	11	BKN021 OVC028	10.00		45	7.2	42	5.4	38	3.3	77	10	030		30.39			30.42	AA		30.42
23	0351	11	BKN021 OVC033	10.00		46	7.8	42	5.5	37	2.8	71	11	020		30.38	0	001	30.41	AA		30.41
23	0447	11	SCT023 OVC033	10.00		45	7.0	41	5.2	37	3.0	74	10	030		30.38			30.41	SP		30.41
23	0451	11	SCT023 OVC033	10.00		45	7.2	41	5.2	37	2.8	74	11	030		30.38			30.41	AA		30.41
23	0551	11	OVC031	10.00		46	7.8	42	5.5	37	2.8	71	13	030	18	30.39	3	005	30.42	AA		30.42
23	0651	11	FEW023 OVC031	10.00		46	7.8	42	5.5	37	2.8	71	13	030		30.40			30.43	SP		30.43
23	0747	11	BKN025 OVC030	10.00		46	8.0	42	5.5	37	3.0	71	13	030		30.40			30.43	AA		30.43
23	0751	11	BKN025 OVC030	10.00		46	7.8	42	5.5	37	2.8	71	14	030		30.39			30.42	AA		30.42
23	0851	11	OVC024	10.00		47	8.3	43	6.0	38	3.3	71	15	050	23	30.40	1	002	30.43	AA		30.43
23	0951	11	OVC022	10.00		48	8.9	44	6.6	39	3.9	71	16	040	23	30.37			30.40	AA		30.40
23	1051	11	BKN022 OVC027	10.00		49	9.4	45	7.1	40	4.4	71	17	050	25	30.34			30.37	AA		30.37
23	1151	11	OVC022	10.00		50	10.0	46	7.8	42	5.6	74	17	060	28	30.32	6	027	30.35	AA		30.35
23	1251	11	OVC022	10.00		51	10.6	47	8.1	42	5.6	71	17	060	26	30.31			30.33	AA		30.33
23	1351	11	OVC022	10.00		51	10.6	47	8.1	43	6.1	74	16	050	29	30.30			30.33	AA		30.33
23	1451	11	OVC022	10.00		50	10.0	47	8.1	43	6.1	74	18	050		30.30	5	006	30.33	AA		30.33
23	1551	11	OVC020	10.00		51	10.6	47	8.4	43	6.1	74	18	040	25	30.29			30.32	AA	T	30.32
23	1651	11	OVC018	8.00		50	10.0	48	8.6	45	7.2	83	18	060	25	30.29			30.32	AA	T	30.32
23	1751	11	OVC016	8.00		49	9.4	47	8.3	45	7.2	86	20	060	28	30.28			30.32	AA		30.32
23	1802	11	OVC014	10.00		48	9.0	47	8.0	45	7.0	89	21	060	26	30.28	6	007	30.31	SP		30.31
23	1851	11	OVC014	10.00		50	10.0	48	8.6	45	7.2	83	20	050	26	30.28			30.29	AA	T	30.30
23	1951	11	OVC012	10.00		50	10.0	48	8.6	45	7.2	83	17	050	22	30.27			30.28	AA		30.28
23	2051	11	OVC012	10.00		50	10.0	48	8.9	46	7.8	86	15	040	22	30.25	8	014	30.27	AA		30.27
23	2151	11	OVC012	10.00		50	10.0	48	8.6	45	7.2	83	13	040		30.24			30.27	AA	T	30.27
23	2251	11	OVC012	10.00		49	9.4	48	8.6	46	7.8	89	13	030		30.22			30.24	AA		30.25
23	2351	11	OVC012	10.00		49	9.4	48	8.6	46	7.8	89	14	040		30.20			30.23	AA	T	30.23

Dynamically generated Thu Jul 03 13:13:45 EDT 2014 via <http://cdo.ncdc.noaa.gov/qcld/OCLCD>

U.S. Department of Commerce  
National Oceanic & Atmospheric Administration

National Climatic Data Center  
Federal Building  
151 Patton Avenue  
Asheville, North Carolina 28801

**QUALITY CONTROLLED LOCAL  
CLIMATOLOGICAL DATA**  
(final)  
**HOURLY REMARKS OBSERVATIONS TABLE**  
**LA GUARDIA AIRPORT (14732)**  
**NEW YORK, NY**  
**(11/2009)**

Elevation: 11 ft. above sea level

Latitude: 40.779

Longitude: -73.880

Data Version: VER3

Date	Time	Remarks
23	0051	AO2 SLP298 T00830033 10117 20083 51009 (RZ)
23	0151	AO2 SLP301 T00720033 (RZ)
23	0251	AO2 SLP301 T00720033 (RZ)
23	0351	AO2 SLP298 T00780028 50001 (RZ)
23	0447	AO2 (RZ)
23	0451	AO2 SLP297 T00720028 (RZ)
23	0551	AO2 SLP300 T00780028 (RZ)
23	0651	AO2 SLP302 T00780028 10083 20072 53005 (PAS)
23	0747	AO2 (PAS)
23	0751	AO2 SLP305 T00780028 (PAS)
23	0851	AO2 SLP302 T00830033 (PAS)
23	0951	AO2 SLP304 T00890039 51002 (PAS)
23	1051	AO2 SLP295 T00940044 (PAS)
23	1151	AO2 SLP284 T01000056 (PAS)
23	1251	AO2 PK WND 05027/1738 SLP276 T01060056 10106 20078 56027 (PAS)
23	1351	AO2 SLP272 T01060061 (PAS)
23	1451	AO2 SLP270 T01000061 (TC)
23	1551	AO2 SLP271 T01060061 55006 (TC)
23	1651	AO2 RAB46 SLP267 P0000 T01000072 (TC)
23	1751	AO2 RAE01B19E28 SLP266 P0000 T00940072 (TC)
23	1802	AO2 RAB2252E00 P0000 (TC)
23	1851	AO2 RAB2252E00 SLP263 P0000 60000 T01000072 10106 20094 56007 (TC)
23	1951	AO2 RAB07E27 SLP259 P0000 T01000072
23	2051	AO2 SLP255 T01000078
23	2151	AO2 SLP249 60000 T01000072 58014
23	2251	AO2 RAB41E48 SLP242 P0000 T00940078
23	2351	AO2 RAB0358E07 SLP237 P0000 T00940078 401060072

*Dynamically generated Thu Jul 03 13:14:00 EDT 2014 via <http://cdo.ncdc.noaa.gov/qcled/QCLCD>*

National Climatic Data Center  
Federal Building  
151 Patton Avenue  
Asheville, North Carolina 28801

**QUALITY CONTROLLED LOCAL  
CLIMATOLOGICAL DATA**  
(final)

**HOURLY PRECIPITATION TABLE  
LA GUARDIA AIRPORT (14732)  
NEW YORK, NY  
(11/2009)**

U.S. Department of Commerce  
National Oceanic & Atmospheric Administration  
Data Version: VER3

A.M. HOUR(L.S.T) ENDING AT													P.M. HOUR(L.S.T) ENDING AT													
DT	-1--	-2--	-3--	-4--	-5--	-6--	-7--	-8--	-9--	-10--	-11--	-12--	-DT--	-1--	-2--	-3--	-4--	-5--	-6--	-7--	-8--	-9--	-10--	-11--	-12--	-DT--
23													23													23

QUALITY CONTROLLED LOCAL CLIMATOLOGICAL DATA															Station Location: LA GUARDIA AIRPORT (14732) NEW YORK, NY																
(final) NOAA, National Climatic Data Center Month: 11/2009															Lat. 40.779 Lon. -73.880 Elevation(Ground): 11 ft. above sea level																
D a t e	Temperature (Fahrenheit)			Degree Days Base 65 Degrees			Sun		Significant Weather	Snow/Ice on Ground(In) (In)			Precipitation			Pressure(Inches of Hg)		Wind: Speed=mph Dir=tens of degrees			D a t e	max	5-second 2-minute	t	max	Dir	Speed	Dir	Speed	Dir	23
	Max.	Min.	Avg.	Dep From Normal	Avg. Dew pt.	Avg Wet Bulb	Heating	Cooling		Sunrise LST	Sunset LST	1200 UTC	1800 UTC	2400 LST	Water Equiv	Snow Fall	Station	Avg. Sea Level	Resultant Speed	Res Dir											
1	2	3	4	5	6	7	8	9	10	11																					
23	51	45	48	3	41	45	17	0	0651	1632	RA	0	M	0.0	T			30.34	30.36	14.6	04	14.9	31	050	24	060	23				

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# **SITE SPECIFIC WEATHER ANALYSIS REPORT**

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*PREPARED FOR:*

**Law Offices of Vincent I. Eke-  
Nweke, P.C.**

**Vincent I. Eke-Nweke**

*PREPARED BY:*

**CompuWeather**

**July 28, 2014**

**REFERENCE: Merlene Bacchus  
22214 Jamaica Avenue, Queens Village, NY 11428**

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# CompuWeather

FORENSIC SERVICES DIVISION

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experts@compuweather.com

## PROJECT INFORMATION

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Report Completion Date: July 28, 2014  
Prepared for: Law Offices of Vincent I. Eke-Nweke, P.C.  
498 Atlantic Avenue  
Brooklyn, NY 11217  
Attn: Vincent I. Eke-Nweke  
Case Reference: Merlene Bacchus  
Date in Question: November 23, 2009  
Time in Question: 8:00 AM to 3:00 PM EST  
Location in Question: 22214 Jamaica Avenue, Queens Village, NY 11428  
Type in Question: Credibility  
Scope: Determination of the weather and ground conditions for  
November 23, 2009.

## ABSTRACT

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Law Offices of Vincent I. Eke-Nweke, P.C. has requested that CompuWeather's Forensic Meteorologists perform a site specific analysis of the weather conditions that occurred on November 23, 2009 for the location of 22214 Jamaica Avenue, Queens Village, NY 11428. CompuWeather researched all the available weather data from approved sources for the surrounding area, analyzed the information and interpreted the conditions that took place for the requested location during the period requested.

CompuWeather has determined that no rain occurred between 8:00 AM and 3:00 PM EST on November 23, 2009 (date and time in question), in the vicinity of 22214 Jamaica Avenue, Queens Village, NY 11428 (site in question).

## **INTRODUCTION**

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This report is based on a review of weather data recorded in the vicinity of 22214 Jamaica Avenue, Queens Village, NY 11428 (site in question; see map in the Incident Location & Data Sources section) on November 23, 2009. In order to determine the weather conditions during the period in question, official copies of National Oceanic and Atmospheric Administration data were studied.

The process employed to produce this weather analysis begins with verifying the location in question and performing a rigorous search of all the available and relevant weather data from the local geographical area that the incident site falls within. Once this data has been analyzed, the data is interpreted to make the determination as to the weather that occurred at the exact incident site. Before delivery, this report has been quality controlled for accuracy by a meteorologist.

In addition, all meteorological data used to prepare this report is reviewed by a meteorologist for quality and can be certified. Data and meteorological reports taken by individuals or organizations not affiliated with the National Oceanic and Atmospheric Administration are not used in our practice.

All procedures used during the analysis of this case were conducted in accordance with long-standing, standard and accepted practices in the field of meteorology. This report was based on the available data at the time the report was prepared. CompuWeather reserves the right to amend this report should additional data or relevant information become available.

## **RESULTS / ANALYSIS**

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### **ANALYSIS OF GENERAL WEATHER CONDITIONS FOR NOVEMBER 23, 2009**

On November 23, 2009, the sky was partly cloudy prior to 1:00 AM EST, then mostly cloudy to cloudy for the remainder of the day.

Light rain showers were in the vicinity between approximately 6:00 PM and 6:15 PM EST, and again between approximately 10:00 PM and 11:00 PM EST. During these time periods, very light rain (sprinkles) may have occurred at the location in question. Any rainfall would have been a trace (less than 0.01 inch).

The high temperature was near 52 degrees F and the low temperature was near 44 degrees F.

**CONCLUSION**

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**DATE IN QUESTION: November 23, 2009****LOCATION: 22214 Jamaica Avenue, Queens Village, NY 11428****CASE REFERENCE: Merlene Bacchus**

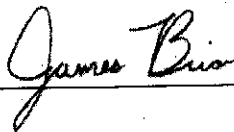
In conclusion, it can be stated with a reasonable degree of meteorological certainty that on November 23, 2009 between 8:00 AM and 3:00 PM EST (date and time in question), no rain occurred at 22214 Jamaica Avenue, Queens Village, NY 11428 (site in question). During that period, the sky was mostly cloudy to cloudy and the temperature ranged between approximately 46 and 51 degrees F.

SUMMARY TABLE:	8:00 AM to 3:00 PM EST
Cloud Cover:	Mostly cloudy to Cloudy
Precipitation Occurring:	None
Temperature:	46-51° F

All procedures used during my investigation of this incident were conducted in accordance with long-standing, standard and accepted industrial practices. My conclusions presented within this report are based on the aforementioned data, available at the time of this report generation. I reserve the right to change my conclusions should additional data come to my attention. I, James Bria, CCM, Senior Forensic Meteorologist, duly deposes and says under the penalties of perjury that I completed the preceding forensic weather report.

Prepared by: James Bria, Certified Consulting Meteorologist (CCM)  
Title: CompuWeather Senior Forensic Meteorologist

Signature: \_\_\_\_\_



Date: July 28, 2014